

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 20-24 are pending in this case.

In the outstanding Official Action, Claims 20-24 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-4 of U.S. Patent No. 7,106,952, Claims 16-19 of U.S. Patent Application No. 10/800,757, Claims 16-19 of U.S. Patent Application No. 10/800,683, Claims 16, 19, and 20 of U.S. Patent Application No. 11/342,862; and Claims 16, 19, and 20 of U.S. Patent Application No. 11/342,859.

With regard to the non-statutory double patenting rejection of Claims 20-24 over Claims 1-4 of U.S. Patent No. 7,106,952, Claims 16-19 of U.S. Patent Application No. 10/800,757, Claims 16-19 of U.S. Patent Application No. 10/800,683, Claims 16, 19, and 20 of U.S. Patent Application No. 11/342,862; and Claims 16, 19, and 20 of U.S. Patent Application No. 11/342,859, these rejections are respectfully traversed in light of the terminal disclaimer submitted herewith.

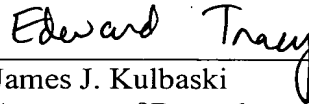
The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Application No. 10/800,681
Reply to Office Action of November 2, 2006

Accordingly, the outstanding double patenting rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Edward Tracy
Registration No. 47,998

I:\ATTY\ET\249726US\249726US.AMD2.2.07.DOC